



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/880,665 06/23/97 HASEGAWA

H FUJ14341

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EMPIRE STATE BUILDING 60TH FLOOR
NEW YORK NY 10118-0110

LM02/0804

EXAMINER

JAMA, I

ART UNIT

PAPER NUMBER

2746

DATE MAILED:

08/04/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/880,665

Applicant(s)
Hajime Hasegawa

Examiner
Isaak Jama

Group Art Unit
2746



☒ Responsive to communication(s) filed on Jun 23, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-35 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-35 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 U.S.C. § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. patent number 5,603,081 (*Raith et al.*)

As to claims 1-9 and 17, *Raith et al.* discloses a mobile communication system comprising:

- A plurality of base stations (Figure 1)
- A mobile station that selects one of the base stations for service (column 3, lines 33-51)
- Each base station having traffic control means (column 3, lines 54-60) and broadcast means (column 12, lines 32-33)
- Each mobile having broadcast receive and cell selection means (column 12, lines 42-48)

As to claims 10, 11 and 12, *Raith et al.* discloses a mobile communication system where a threshold level of the base station is added to the broadcast (column 79, lines 64-67)

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As to claims 13, 14 and 16 *Raith et al.* discloses a mobile communication system where the mobile does cyclical power measurement of the channels and prioritize according to signal strength (column 39, lines 30-37)

As to claim 15, it is well known in the cellular art that the signal strength measured by the mobile represents the status of the communication connection between that mobile and a specific base station.

As to claims 18, 23-25, 27 and 30-32, *Raith et al.* discloses a mobile communication system where the mobile requests a messaging channel (Figure 27b)

As to claims 19-22 and 28-29, *Raith et al.* discloses a mobile communication system where the mobile stores announcement, measure and determine if channel reception is higher than a predetermined level (column 51, lines 44-67)

As to claim 26 *Raith et al.* discloses a mobile communication system where the mobile selects a base station to which a request for a message channel was issued (columns 41 and 42, lines 49-67 and 1-9)

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent number 5,511,236 (*Raith et al.*) in view of U.S. patent number 5,873,047(*Nakano et al.*)

As to claims 33-35, *Raith et al.* discloses the Applicant's invention (see discussion above) but *Raith et al.* does not teach a mobile communication system where the sending announcement in order of priority is based on signal strength reception. It would be advantageous to have reception levels be associated with different channels and priority of establishing communication using a specific channel be dependent on signal strength. *Nakano et al.* discloses a method for setting up a perch channel(s) and corresponding reception level(s) and also their respective signal strength being compared to a threshold (Figures 5-12). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to associate reception levels with corresponding channels in order to establish communication as it was taught by *Nakano et al.* in the system of *Raith et al.*

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sawyer et al. (U.S. patent number 5,930,710) discloses a control/pilot channel reselection between cells belonging to different registration areas. *Nakano et al.* (U.S. patent number 5,832,368) discloses a base station selection scheme for a CDMA cellular system using perch channel and received SIR. *Wiley* (U.S. patent number 5,878,038) discloses a method in a wireless code division multiple access communication system for delivering a message to a mobile communication unit.

Any response to this action should be mailed to :

The Commissioner of Patents and Trademarks

Washington, D.C. 20231

or Faxed to :

(703) 308-9051, (for formal communications intended for entry)

or :

(703) 305-9508 (for informal draft communications, please label

"PROPOSED"

or "DRAFT".)

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Hand-delivered responses should be brought to Crystal Park 2, 2121 Crystal

Drive, Arlington, VA.; sixth floor receptionist.

Any inquiry concerning this or other ensuing communication should be directed to the examiner, Isaak R. Jama, whose telephone number is (703) 305-0021. The examiner can normally be reached on Monday-Friday 8:00 a.m - 4:30 p.m (est).

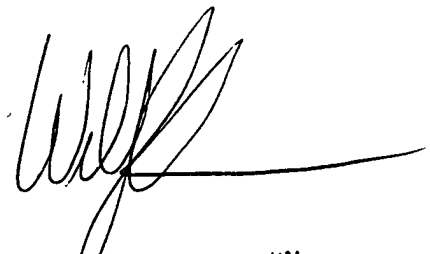
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (703) 305-4366.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist, whose telephone number is (703) 305-3900.

Isaak R. Jama

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August 02, 1999



WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER
GROUP 2700